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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,392	02/04/2002	Masayuki Tamura	111524	2297

7590 01/13/2003
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EXAMINER

LE, DANG D

ART UNIT PAPER NUMBER

2834

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,392

Applicant(s)

TAMURA ET AL.

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 04 February 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, it is not clear how "the sensor holder is disposed in the casing by incorporation from an incorporating direction to the cylindrical part for the rotary shaft."

Claim 1 and 2 recites the limitation "the cylindrical part" in line 7 of claim 1 and line 3 of claim 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Wakao et al.

Regarding claim 1, Wakao et al. show a motor with a rotation detecting device, comprising:

- A rotary shaft (92);
- A casing (90) with a bottomed cylindrical part for rotatably containing said rotary shaft; and
- A rotation detecting device (102, Figure 9) which detects rotation of said rotary shaft, wherein the rotation detecting device is supported by a sensor holder (40), and the sensor holder is disposed in the casing by incorporation from an incorporating direction (top to bottom, Figure 11) to the cylindrical part for the rotary shaft (92).

Regarding claim 2, it is noted that Wakao et al. also show a holder receiving part formed on the inner peripheral surface of the cylindrical part (22) of the casing (90), and the sensor holder is incorporated in said holder receiving part in a state of temporary holding.

Regarding claims 3 and 11, it is noted that Wakao et al. also show a sensor support part (103) in which the rotation detecting device is incorporated and a terminal support part (circuit on 40) in which a connecting terminal thereof is incorporated, respectively formed in the sensor holder; and a connecting opening part, enabling seeing the terminal support part from the outside, formed on the outer peripheral surface of the cylindrical part of the casing.

Regarding claims 4, 12, and 13, it is noted that Wakao et al. also show a brush unit (33) in which a brush is incorporated is fixed on the opening side (upper side of 22)

of the cylindrical part of the casing and the sensor holder in the casing is positioned and supported by the casing on the basis of fixing the brush unit to the casing.

Regarding claims 5 and 14, it is noted that Wakao et al. also show a brush connecting terminal (27) incorporated in a brush unit to extend onto and be supported by the terminal support part of the sensor holder, and can be seen from the connecting opening part of the casing.

Regarding claims 6 and 15, it is noted that Wakao et al. also show at least one projecting piece part (62) which projects toward the outside diameter side formed in the connecting opening part of the casing.

Regarding claim 7, it is noted that Wakao et al. also show an external pull-out terminal unit (61) which is electrically connected to each of connecting terminals of the rotation detecting device and the brush and is incorporated into the connecting opening part from the outside diameter side of the cylindrical part.

Regarding claims 8 and 16-18, it is noted that Wakao et al. also show a terminal (62) of a terminal support part that is supported in the state of projecting in the outside diameter direction of the cylindrical part, and a support piece part which supports the terminal support part of the sensor holder is formed on the holder receiving part on the bottom side of the cylindrical part, and an incorporation load at the time of incorporating the external pull-out terminal unit to the terminal support part is received by the support piece part.

Regarding claims 9, 19 and 20, it is noted that Wakao et al. also show at least one engaging claw (63) formed on the incorporating tip side in the external pull-out

Art Unit: 2834

terminal unit, and said engaging claw is engaged with a step-like engagement receiving part which is formed to the connecting opening part when the external pull-out terminal unit is incorporated in the connecting opening part.

Regarding claim 10, it is noted that Wakao et al. also show the engagement receiving part formed integrally when the cylindrical part is molded.

Information on How to Contact USPTO

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (703) 305-0156. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

DDL
January 8, 2003

PC

